

1 Ramon Rossi Lopez - rlopez@lopezmchugh.com
(California Bar Number 86361; admitted *pro hac vice*)
2 Lopez McHugh LLP
100 Bayview Circle, Suite 5600
3 Newport Beach, California 92660
949-812-5771

4 Mark Stephen O'Connor (011029) – mark.oconnor@gknet.com
5 Gallagher & Kennedy, P.A.
2575 East Camelback Road
6 Phoenix, Arizona 85016-9225
602-530-8000

7 *Counsel for Plaintiffs*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF ARIZONA

10 In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**PLAINTIFF'S NOTICE OF LODGING
EXHIBITS UNDER SEAL REGARDING
PLAINTIFF'S RESPONSE TO
DEFENDANTS' MOTIONS *IN LIMINE*
NOS. 01 AND 02**

15
16 Pursuant to LRCiv 5.6(d), Plaintiff submits this Notice of Lodging Exhibit Under
17 Seal regarding Plaintiff's Responses to Defendants' Motion *in Limine* Nos. 01 and 02.

18 Plaintiff provides notice that, pursuant to LRCiv 5.6(d), she inadvertently filed with
19 the Court on February 8 and 9, 2018 [Doc. 10050 and Doc. 10068], the documents listed
20 on Exhibit A to this Notice. Subsequently, Plaintiff contacted the court's ECF clerk and
21 requested the exhibits to be temporarily sealed.

22 Defendants contend that the documents listed in Exhibit A are confidential and
23 should be filed under seal. As required under LRCiv 5.6(d), Plaintiff certifies that on
24 February 12, 2017, the parties met and conferred in good faith and were unable to agree
25 about whether the documents are confidential under the Protective Order and should be
26 filed under seal. Plaintiff does not believe that the disputed documents warrant continued
27 confidential treatment as proprietary or sensitive trade secret information.
28

1 RESPECTFULLY SUBMITTED this 12th day of February, 2018.

2 GALLAGHER & KENNEDY, P.A.

3 By: /s/ Mark S. O'Connor

4 Mark S. O'Connor

5 2575 East Camelback Road

6 Phoenix, Arizona 85016-9225

7 LOPEZ McHUGH LLP

8 Ramon Rossi Lopez (CA Bar No. 86361)

9 (admitted *pro hac vice*)

10 100 Bayview Circle, Suite 5600

11 Newport Beach, California 92660

12 *Counsel for Plaintiffs*

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on this 12th day of February 2018, I electronically transmitted
15 the attached document to the Clerk's Office using the CM/ECF System for filing and
16 transmittal of a Notice of Electronic Filing.

17 /s/ Gay Mennuti

EXHIBIT A**Plaintiff's Response to MIL No. 1 [Doc. 10068]**

Bates Number	Document Description
BPV-17-01-00125335	Exhibit A – Recovery filter 510(k)
BPV-17-01-00125616	Exhibit B – Aug. 10, 2005 Response to FDA
BPVE-01-000171565	Exhibit C – Recovery Road Show Accounts
N/A	Exhibit D – 510(k) comparison chart
N/A	Exhibit E – Device History Timeline
N/A	Exhibit F – Compilation AER Chart
N/A	Exhibit G – Hurst Dep. Testimony
N/A	Exhibit H – McMeeking Dep. Testimony
BPVEFILTER-01-00008255	Exhibit I – Feb. 2006 HHE
BPVE-01-01239757	Exhibit J – Fracture Analysis

Plaintiff's Response to MIL No. 2 [Doc. 10050]

Bates Number	Document Description
N/A	Exhibit A – Device History Timeline*
N/A	Exhibit B – Substantially Equivalent Letter for Recovery filter
BPV-17-01-00125335	Exhibit C – Recovery filter 510(k)*
BPV-17-01-00125616	Exhibit D – Aug. 10, 2005 Response to FDA*
BPV-17-01-00125199	Exhibit E – Substantially Equivalent Letter for G2 filter
N/A	Exhibit F – Recovery G2 510(k) summary
FDA_PRODUCTION_00000048	Exhibit G – G2 filter 510(k)
BPVE-01-00276094	Exhibit H – Migration Resistance Test
N/A	Exhibit I-2 – Asch Dep. Testimony
BPV-17-01-00052621	Exhibit I-3 – Asch Note
N/A	Exhibit J – Fuller Dep. Testimony
BPVE-01-000171565	Exhibit K – Recovery Road Show Accounts*

*only one copy will be filed.